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7 TYRONE HAZEL, et al.,  
8 Plaintiffs,  
9 v.  
10 PRUDENTIAL FINANCIAL, INC., et al.,  
11 Defendants.

Case No. [22-cv-07465-CRB](#) (SK)

**ORDER REGARDING DISCOVERY  
DISPUTE**

Regarding Docket No. 52

12 Now before the Court is the discovery dispute regarding the written discovery requests and  
13 depositions of two Plaintiffs, Tyrone Hazel and Roxane Evans. Hazel and Evans are concurrently  
14 seeking to dismiss their claims their claims voluntarily. Hazel and Evans are named plaintiffs in  
15 this putative class action but seek to dismiss their claims because they have received evidence  
16 from Defendants indicating that they are not class members. Defendants nonetheless seek to  
17 depose them and seek responses to written discovery from them because Defendants argue that  
18 Hazel and Evans nonetheless have information that is relevant to the litigation. Hazel and Evans  
19 move for a protective order to prevent their depositions from going forward and to ensure that they  
20 need not respond to written discovery.

21 Defendants cite several cases in which district courts allowed discovery to go forward  
22 against named plaintiffs even when they sought to dismiss their claims. *See, e.g., Dysthe v. Basic*  
23 *Rsch., LLC*, 273 F.R.D. 625, 629–30 (C.D. Case 3:22-cv-07465-CRB Document 52 Filed 05/30/24  
24 Page 4 of 9 4 Cal. 2011) (“It is undisputed that Hall had personal experiences with Relacore  
25 weight-loss products. These experiences are relevant to the commonality and typicality of the class  
26 representative’s claims.”); *Sherman v. Yahoo! Inc.*, 2015 WL 473270, at \*7 (S.D. Cal. Feb. 5,  
27 2015) (undisputed that Sherman received a text message at the center of the TCPA claim, and  
28 finding his testimony “is likely to be relevant to class certification issues, even if he no longer

1 wishes to be burdened with this litigation.”); *Opperman v. Path, Inc.*, 2015 WL 9311888, at \*3  
2 (N.D. Cal. Dec. 22, 2015) (compelling interrogatory responses where the plaintiff was a class  
3 member, because “Sandiford’s responses can be relevant to class certification issues, such as  
4 commonality, predominance, and typicality.”); *Fraley v. Facebook Inc.*, 2012 WL 555071, at \*3  
5 (N.D. Cal. Feb. 21, 2012) (undisputed that withdrawing plaintiff was a class member, thus “the  
6 court may consider the relevance of her earlier testimony to Facebook’s ongoing defense”).

7 Those cases are distinguishable because in those cases, even though the named plaintiffs  
8 dismissed or sought to dismiss their claims, it was undisputed that they remained class members  
9 and had information about the substance of the claims. Those plaintiffs were seeking to give up  
10 their roles as named plaintiffs but remained members of the class based on their experiences with  
11 the defendants. Here, in contrast, Hazel and Evans concede that they are not class members. Dkt.  
12 No. 52 (“The opposite is true here because Hazel and Evans are not class members.”) Because  
13 they are not class members and had no dealings with Defendants’ products at issue in this case,  
14 they have no relevant information.

15 The Court GRANTS Plaintiffs’ motion for protective order.

16 **IT IS SO ORDERED.**

17 Dated: May 31, 2024

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19 SALLIE KIM  
20 United States Magistrate Judge

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